

FILED BY  D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 OCT -5 AM 9:48

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN MEMPHIS

CURTIS RAY HARRIS,

Plaintiff,

vs.

ROBERT PERRISH, et al.,

Defendants.

No. 04-2971-B/V

ORDER DENYING IRREGULAR MOTION

On July 20, 2005, Plaintiff Curtis Ray Harris, filed an irregular motion seeking to pay \$10 per month until the total filing fee of \$150 filing is paid in full. Harris' obligation to pay the filing fee is not a matter over which the district court has any discretion or can alter by language in the judgment. Congress enacted the Prison Litigation Reform Act of 1995 (PLRA), Title VIII of Pub. L. 104-134, 110 Stat. 1321 (April 26, 1996), which amended 28 U.S.C. § 1915(b) to require that the fee be paid. The United States Court of Appeals for the Sixth Circuit has interpreted that law as creating a payment obligation that continues even though the court dismisses the entire case. McGore v. Wrigglesworth, 114 F.3d 601, 608 (6th Cir. 1997). The motion is denied.

IT IS SO ORDERED this 4th day of October, 2005.


J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:04-CV-02971 was distributed by fax, mail, or direct printing on October 5, 2005 to the parties listed.

Curtis Ray Harris
WEST TENNESSEE STATE PENITENTIARY
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P.O. Box 1150
Henning, TN 38041--115

Honorable J. Breen
US DISTRICT COURT